REMARKS

The present communication responds to the Office Action of May 19, 2006. In the Action, the Examiner rejected claims 1 and 13 under 35 U.S.C. § 112, first paragraph. The Examiner further rejected claims 1-10 and 12-18 under 35 U.S.C. § 103(a). In view of the following remarks, Applicants respectfully request reconsideration and allowance of pending claims 1-10 and 12-18.

Rejection under 35 U.S.C. § 112

Claims 1 and 13 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the specification does not support the limitation reciting that the connector is "located in the same room as" the point of use of a vacuum tool. Applicants respectfully traverse the rejection for at least the following reasons.

Section [0035] in the detailed description clearly provides support for a vacuum connector "located in the same room as" the point of use of a vacuum tool. Specifically, section [0035] describes one embodiment of the system of the present invention "for picking up material present at one or more locations at which surgical procedures are performed." The system comprises:

> "a vacuum source comprising a vacuum producer and a centrifugal separator, the vacuum source remote from the *one or more locations*; a first end effector of one type and a second end effector of another type; a flow path defined by conduit operably coupling the vacuum source to the end effectors, the flow path comprising at least one *wall port at each of the one or more locations*; and a connector generally between the vacuum source and end effectors and removably coupled *to the wall port*, the connector adapted to removably receive the first and second end effectors, to regulate the vacuum at the first and second end effectors, and to separate liquid and gas . . ."

That is, one embodiment of the present invention is described as comprising a wall port at each of the one or more locations at which surgical procedures are performed and a connector removably coupled to the wall port and adapted to receive the end effectors, the end effectors

being one embodiment of a vacuum tool. Therefore, the description sufficiently supports the limitation "located in the same room as," and Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejections under 35 U.S.C. § 103

Claims 1-10, 12-14, 17 and 18 were rejected under 35 U.S.C.§ 103(a) as unpatentable over US 3,665,682 (Ciavattoni) in view of US 5,019,060 (Goosen). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 is Not Made Obvious by Ciavattoni in View of Goosen

Claim 1 is directed to a vacuum connector adapted to be connected to a vacuum source. The vacuum connector comprises, in part, "an outlet; . . . an air pathway in communication with the separation chamber and the outlet; a fluid pathway separate from the air pathway, and in communication with the separation chamber and the outlet."

The asserted Ciavattoni/Goosen combination does not disclose or suggest the invention of claim 1. Ciavattoni does not disclose or teach an air pathway in communication with the separation chamber and the outlet and a fluid pathway separate from air pathway, and in communication with the separation chamber and the outlet. Rather, Ciavattoni discloses a discharge line 100 for discharging liquids and a exhaust chamber 70 for filtering air, both of which are connected to the separation chamber 68. (*See Ciavattoni, Fig. 2*). Ciavattoni does not disclose that the discharge line and the exhaust chamber are in communication with an outlet. In fact, Ciavattoni teaches away from the present invention in that Ciavattoni discloses that the exhaust chamber has an exhaust port 78, which discharges the air into the surrounding atmosphere. (*Ciavattoni, col. 4. ll. 61-64*). That is, the air is discharged into the room containing the device. It would be an unpleasant, and undesired, effect to have the discharge line for discharging liquids in communication with the same exhaust port as the exhaust chamber, such that liquids would be discharged into the surrounding atmosphere. Therefore, Ciavattoni discloses a separate outlet for the exhaust chamber and liquid discharge line, as can be seen in Figures 1 and 2.

Goosen fails to remedy the deficiencies of Ciavattoni. Goosen discloses a liquid collection device for use with surgical procedures to control and monitor the rate of liquid flow from body cavities of a patient. (*Goosen, col. 2, ll. 47-51*). Goosen discloses upper and lower liquid accumulation chambers that monitor the flow rate. (*Goosen, col. 2, ll. 57-59*). However, Goosen does not disclose or suggest "an air pathway in communication with the separation chamber and the outlet; a fluid pathway separate from the air pathway, and in communication with the separation chamber and the outlet."

Thus, for at least the preceding reasons, the asserted Ciavattoni/Goosen combination does not disclose or suggest the invention of claim 1, or of dependent claims 2-10 and 12. Accordingly, Applicants request reconsideration and withdrawal of the obviousness rejections of pending claims 1-10 and 12.

Claim 13 is Not Made Obvious by Ciavattoni in View of Goosen

Claim 13 is directed to a vacuum system. The vacuum system comprises, in part, "an outlet, . . . an air pathway in communication with the separation chamber and the outlet, and a fluid pathway separate from the air pathway and in communication with the separation chamber and the outlet."

The asserted Ciavattoni/Goosen combination does not disclose or suggest the invention of claim 13. As discussed above, Ciavattoni does not disclose or teach an air pathway in communication with the separation chamber and the outlet and a fluid pathway separate from air pathway in communication with the separation chamber and the outlet. Rather, Ciavattoni discloses a discharge line 100 for discharging liquids and an exhaust chamber 70 for filtering air, both of which are connected to the separation chamber 68 which has an exhaust port 78.

Goosen, as discussed above, fails to remedy the deficiencies of Ciavattoni. Goosen discloses a liquid collection device for use with surgical procedures to control and monitor the rate of liquid flow from body cavities of a patient. Goosen does not disclose or suggest "an air pathway in communication with the separation chamber and the outlet, and a fluid pathway separate from the air pathway and in communication with the separation chamber and the outlet."

For at least these reasons, the obviousness rejections of claim 13, and dependent claims 14, 17, and 18 should be withdrawn.

Claims 15 and 16 are Not Made Obvious by Ciavattoni and Goosen in Further View of Walker

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Ciavattoni/Goosen combination as applied to claims 1-10, 12-14, 17 and 18, and further in view of US 5,195,995 (Walker).

Also as discussed above, the asserted Ciavattoni/Goosen combination does not disclose or suggest the invention of claim 13, nor, therefore, of dependent claims 15 and 16. Walker fails to remedy the deficiencies of Ciavattoni and Goosen. Walker discloses a chest drainage apparatus for measuring gas flow or leakage from a patient's chest, and a collection chamber for receiving fluid to be drained from a pleural cavity. (*Walker, Abstract and col. 2, ll. 56-58*). Walker does not disclose or suggest "an air pathway in communication with the separation chamber and the outlet, and a fluid pathway separate from the air pathway and in communication with the separation chamber and the outlet."

For at least the preceding reason, the asserted Ciavattoni/Goosen/Walker combination does not make claims 15 and 16 obvious and the rejection should be withdrawn.

CONCLUSION

No additional claim fees should be generated by this paper, but a petition to extend the time to respond is being submitted herewith. The Commissioner is hereby authorized to charge any fee deficiency associated with this paper or the petition to Deposit Account No. 04-1420.

The application is in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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Date: October 18, 2006

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